

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE



In re:

Clearwater Kennel, Inc.,

Respondent.

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Docket No. 15-0082

There is reason to believe that the Respondent named herein has willfully violated the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.), hereinafter referred to as the Act, and the regulations and standards (9 C.F.R. § 1.1 et seq.) issued pursuant to the Act, and, therefore, the Administrator of the Animal and Plant Health Inspection Service ("APHIS") issues this complaint alleging the following:

I.

A. Clearwater Kennel, Inc., hereinafter referred to as Respondent, is a corporation whose registered agent for service is Wanda Kretzman, with a mailing address of 24302 Highway 10, Cushing, Minnesota 56443.

B. At all times relevant herein Respondent was operating as a dealer, as that term is defined in the Act and the regulations, holding license number 41-B-0190.

II.

A. On or about March 4, 2010, APHIS personnel inspected Respondent's premises and found that Respondent had failed to establish and maintain a program of adequate veterinary care that included the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries (9 C.F.R. § 2.40).

### III.

A. On or about August 10, 2010, APHIS personnel inspected Respondent's premises and found that Respondent had failed to establish and maintain a program of adequate veterinary care that included the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries (9 C.F.R. § 2.40).

B. On or about August 10, 2010, APHIS personnel inspected Respondent's premises and found the following willful violations of section 2.100 of the regulations (9 C.F.R. § 2.100(a)) and the standards specified below:

1. Respondent failed to sufficiently heat and cool the indoor housing facilities for dogs to protect them from temperature and humidity extremes (9 C.F.R. § 3.2(a)); and

2. Respondent failed to sufficiently ventilate the indoor housing facilities to provide for their health and well-being, and to minimize odors, drafts, ammonia levels and moisture condensation (9 C.F.R. § 3.2(b)).

### IV.

A. On or about September 14, 2010, APHIS personnel inspected Respondent's premises and found that Respondent had failed to establish and maintain a program of adequate veterinary care that included the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries (9 C.F.R. § 2.40).

### V.

A. On or about January 12, 2011, APHIS personnel inspected Respondent's premises and found that Respondent had failed to establish and maintain a program of adequate veterinary care that included the use of appropriate methods to prevent, control, diagnose, and

treat diseases and injuries (9 C.F.R. § 2.40).

B. On or about January 12, 2011, APHIS personnel inspected Respondent's premises and found the following willful violations of section 2.100 of the regulations (9 C.F.R. § 2.100(a)) and the standards specified below:

1. Respondent failed to house each dog in a primary enclosure that provided the minimum amount of floor space for the dogs housed inside (9 C.F.R. § 3.6(c)(1));

2. Respondent failed to remove excreta and food waste from primary enclosures daily and from underneath enclosures as often as necessary (9 C.F.R. § 3.11(a)); and

3. Respondent failed to maintain enough employees to carry out the level of husbandry practice and care required to maintain her dogs (9 C.F.R. § 3.12).

## VI.

A. On or about July 26, 2011, APHIS personnel inspected Respondent's premises and found that Respondent had failed to establish and maintain a program of adequate veterinary care that included the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries (9 C.F.R. § 2.40).

B. On or about July 26, 2011, APHIS personnel inspected Respondent's premises and found the following willful violations of section 2.100 of the regulations (9 C.F.R. § 2.100(a)) and the standards specified below:

1. Respondent failed to provide for the regular and frequent collection, removal, and disposal of animal and food wastes, bedding, debris and garbage in a manner that minimizes contamination and disease risks (9 C.F.R. § 3.1(f));

## VII.

A. On or about November 14, 2011, APHIS personnel inspected Respondent's

premises and found the following willful violations of section 2.100 of the regulations (9 C.F.R. § 2.100(a)) and the standards specified below:

1. Respondent failed to construct and maintain primary enclosures so that they had floors that protected the dogs' feet and legs from injury and prevented their feet from passing through openings in the floor (9 C.F.R. § 3.6(a)(2)(x)).

#### VIII.

- A. On or about October 3, 2012, APHIS personnel inspected Respondent's premises and found that Respondent had failed to establish and maintain a program of adequate veterinary care that included the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries (9 C.F.R. § 2.40).

- B. On or about October 3, 2012, APHIS personnel inspected Respondent's premises and found the following willful violations of section 2.100 of the regulations (9 C.F.R. § 2.100(a)) and the standards specified below:

1. Respondent failed to have puppies inspected within 10 days prior to delivery for transportation (9 C.F.R. § 2.78); and
2. Respondent failed to provide uncontaminated food of sufficient quantity and nutritive value (9 C.F.R. § 3.9).

#### IX.

- A. On or about February 27, 2013, APHIS personnel inspected Respondent's premises and found the following willful violations of section 2.100 of the regulations (9 C.F.R. § 2.100(a)) and the standards specified below:

1. Respondent failed to provide housing facilities for dogs and cats that were sufficiently ventilated to provide for their health and well-being and to minimize odors (9 C.F.R.

§ 3.3(b); and

2. Respondent failed to remove excreta and food waste from primary enclosures daily and from underneath enclosures as often as necessary (9 C.F.R. § 3.11(a)).

X.

A. On or about June 11, 2013, APHIS personnel inspected Respondent's premises and found the following willful violations of section 2.100 of the regulations (9 C.F.R. § 2.100(a)) and the standards specified below:

1. Respondent failed to maintain housing facilities that were free of excessive rust that prevents the required cleaning and sanitation of those surfaces and affects its structural strength (9 C.F.R. § 3.1(c)(1)(i)); and

2. Respondent failed to provide for the regular and frequent collection, removal, and disposal of animal and food wastes, bedding, debris and garbage in a manner that minimizes contamination and disease risks (9 C.F.R. § 3.1(f)).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the Respondent has in fact willfully violated the Act and the regulations and standards issued under the Act, this complaint shall be served upon the respondent. The Respondent shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 et seq. (1993)). Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

The Animal and Plant Health Inspection Service requests:

1. That unless the Respondent fails to file an answer within the time allowed therefor, or file an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and

2. That such order or orders be issued as are authorized by the Act and warranted under the circumstances, including an order:

(a) Requiring the Respondent to cease and desist from violating the Act and the regulations and standards issued thereunder;

(b) Assessing civil penalties against the Respondent in accordance with section 19 of the Act (7 U.S.C. § 2149); and

(c) Suspending or revoking the Respondent's license in accordance with section 19 of the Act (7 U.S.C. § 2149).

Done at Washington, D.C.  
this 2<sup>nd</sup> day of March, 2015

  
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Administrator  
Animal and Plant Health  
Inspection Service

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